

Document: Notice of Intent to Adopt a Rule

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**TITLE 405 OFFICE OF THE SECRETARY OF
FAMILY AND SOCIAL SERVICES**

LSA Document #01-206

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

OVERVIEW: Amends 405 IAC 2-3-1.1 to specify the method for calculating the Medicaid eligibility penalty for transferring income. Specifies that when the right to a stream of income is transferred for less than fair market value, the penalty is calculated based on the projected total income expected to be transferred during the individual's lifetime. Specifies that a transfer of income includes, but is not limited to (1) transferring income-producing real property; and (2) accepting less than the fair market rental value when property is rented. Specifies that, for purposes of the Medicaid eligibility penalty for transferring assets for less than fair market value, "assets" includes any income or resources which the applicant or recipient or the applicant's or recipient's spouse is entitled to receive, but does not receive because of failure to take action to receive those assets. Repeals 405 IAC 2-3-1 and makes conforming amendments to 405 IAC 2-3-1.1. Statutory authority: IC 12-8-1-9; IC 12-8-6-5; IC 12-13-7-3; IC 12-15-1-10.